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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,010	09/26/2001	Matthew B. Haycock	884.455US1	1876

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EXAMINER
CHEN, TSE W

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
Advisory Action *Before the Filing of an Appeal Brief*	09/964,010	HAYCOCK ET AL.	
	Examiner	**Art Unit**	
	Tse Chen	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>29 November 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

LYNNE H. BROWNE
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100

U.S. Patent and Trademark Office
PTOL-303 (Rev. 7-05)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 12092005

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed November 29, 2005 have been fully considered but they are not persuasive. Applicant was not able to find a "rotation number to align a plurality of output bits..." Examiner respectfully submits that Wood discloses each and every limitation of the method comprising: receiving a plurality of input bits at a plurality of input nodes [42, 44] of a plurality of register circuits [shift register 50/mux 54 and shift register 52/mux 56 constitutes register circuits]; providing a plurality of output bits at a plurality of output nodes [72, 74] of the register circuits; performing a logic function [compare] on a plurality of bits held by the register circuits to produce a rotation number [three bit errors require advancing or retreating in rotation number of three bits in order to find correlation]; and aligning a plurality of output bits provided at one of the output nodes with a plurality of output bits provided at other output nodes when the plurality of input bits received at the input nodes are misaligned by at least one bit time interval [correlating and selecting appropriate mux line aligns the output bits] [fig.1; col.4, l.59 - col.5, l.53]. Applicant alleges that "Taya teaches, in fig.2, ... shows that all of the input nodes of shift registers 22a, 22b, and 22c receive data from the same node (output node of SW12a)". Examiner disagrees and submits that fig.2 also shows output nodes of SW12b-n. Applicant was not able to find in Taya "a plurality of register circuits... to provide at one of the output nodes a plurality of output bits based on the plurality of input bits". Examiner reminds Applicant that bits do not have to be high in order to be considered bits. Applicant concedes that Moriwaki does disclose "each of the registers, ... and selector... connects to all 24 bits of each register..." Applicant concedes that Woods does disclose "multiplexer connected to all eight bits of the corresponding 8 bit shift register through the eight inputs lines". Applicant traverses "that it is well known in the art to arrange memory units in rows and columns, wherein the memory units in the same row form a shift register". In response, Examiner submits figure 2 of Taya to show memory units [shift registers] arranged in rows and columns, wherein the memory units in the same row form a shift register. Applicant alleges "since ... same single element in Wood to compare to multiple elements of claim 14, at least one element of claim 14 is missing from Wood". Examiner disagrees and submits that a single element may inherently comprise of sub-elements to perform different functions. Applicant alleges that "one of ordinary skill... would not be motivated to go against the teachings of Wood... to alter Wood to shift the eight bits of data..." Examiner was not able to find such explicit teachings in Wood against such alteration and submits that explicit motivation was provided, which Applicant did not contest, for altering Wood. All other claims were not argued separately.